

FILED

FEB - 3 2006

  
Clerk

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

JUDGE - Patrick A. Conmy  
CASE NO. - CR04-30110-01

REPORTER - Jean Carlson  
Date - 11/30/2006  
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CASE

UNITED STATES OF AMERICA  
Plaintiff,

vs.

DARREN YOUNGMAN aka  
Tote Youngman  
Defendant.

COUNSEL

Randolph J. Seiler

Aloysius J. Arendt

TIME HEARING SCHEDULED TO BEGIN: 9:00 am

TIME:

9:15 am Enter Jury Trial Proceedings before the Honorable Patrick A. Conmy, Judge, presiding.

31 jurors called forward.

Voir Dire by Court.

Jury panel sworn.

Voir Dire by Mr. Seiler.

Voir Dire by Mr. Arendt.

Peremptory challenges begin.

The following jurors sworn to try the issues of the case; to-wit;

1. Valerie Collins
2. Mark Haberling
3. Daniel High Bear
4. Chris Leneaugh
5. Leondra Little Thunder
6. Mike Marso

7. Renee Morgan
8. Timolin Murray
9. Michael Rhodes
10. Herman Schroeder
11. Edward Watzel
12. David Wranek
13. Kenneth Clefisch -Alt

  
Courtroom Deputy

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Remaining jurors excused until a later date.

11:40 am Court in recess.

1:15 pm Court resumes without the presence of the Jury.

Mr. Seiler makes motion to Amend date in Indictment (document 76).

Mr. Arendt opposes.

Motion granted.

The Court denies with prejudice motion in limine as to battered women (document 68).

Mr. Seiler has no objection to the Court's preliminary Instructions.

Mr. Arendt has no objection to the Court's preliminary Instructions.

Court's Preliminary Jury Instructions are read to the Jury.

Randolph J. Seiler makes opening statements on behalf of the Government.

Aloysius J. Arendt makes opening statements on behalf of the Defendant.

Cheryl McCloskey sworn as a witness on behalf of the Government.

Cross-Examination.

Re-direct.

Kathleen King sworn as a witness on behalf of the Government.

3:00 pm Court in recess.

3:20 pm Court resumes.

Continuation of Direct-examination of Kathleen King.

Julie Ann Kidd sworn as a witness on behalf of the Government. (taken out of order)

Cross-Examination.

Continuation of direct-examination of Kathleen King.

4:45 pm Court in recess.

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8:35 am Enter continuation of Jury Trial proceedings before the Honorable Patrick A. Conmy, Judge, presiding.  
Cross-Examination of Kathleen King.  
Re-direct.  
Re-Cross.  
Michelle Andrews sworn as a witness on behalf of the Government.  
Florentine Black Bear sworn as a witness on behalf of the Government .  
Cross-Examination.  
Justin Beardt sworn as a witness on behalf of the Government .  
Cross-Examination.  
Re-direct.  
10:00 am Court in recess.  
10:20 am Court resumes.  
David Mackey sworn as a witness on behalf of the Government.  
Cross-Examination.  
Stella Carrasco sworn as a witness on behalf of the Government.  
Cross-Examination.  
Re-direct.  
Donald Lawrence Menard sworn as a witness on behalf of the Government.  
Cross-Examination.  
Re-direct.  
Dr. George Matthew sworn as a witness on behalf of the Government.  
Cross-Examination.  
Re-direct.  
Dorothy Nelson sworn as a witness on behalf of the Government.

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Cross-Examination.

Crystal LaPointe sworn as a witness on behalf of the Government.

Cross-Examination.

Re-direct.

11:50 am Court in recess.

1:15 pm Court resumes.

Roberta Tuttle sworn as a witness on behalf of the Government.

Cross-Examination.

Tricia Bordeaux sworn as a witness on behalf of the Government.

Kim Jones sworn as a witness on behalf of the Government.

Cross-Examination.

Re-direct.

Sarah Reynolds sworn as a witness on behalf of the Government.

Cross-Examination.

Re-direct.

Julie Haukaas sworn as a witness on behalf of the Government.

Cross-Examination.

Re-direct.

2:45 pm Court in recess.

3:05 pm Court resumes.

Mr. Seiler makes motion to dismiss Counts X, XI, XII, XIII and IX.

No objection.

Granted.

Brenna LaPointe sworn as a witness on behalf of the Government .

Cross-Examination.

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Mike Haukaas sworn as a witness on behalf of the Government .

Florentine Black Bear recalled to the witness stand.

Dorothy Nelson recalled to the witness stand.

4:15 pm Court in recess.

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9:00 am Enter continuation of Jury Trial proceedings before the Honorable Patrick A. Conmy, Judge, presiding.

Leanne Clifford sworn as a witness on behalf of the Government.

Cross-Examination.

Delta Anderson sworn as a witness on behalf of the Government.

Cross-Examination.

Harold Compton sworn as a witness on behalf of the Government.

Cross-Examination.

Craig Cade sworn as a witness on behalf of the Government.

Cross-Examination.

Re-direct.

Re-Cross.

Krista Herren-Graber sworn as a witness on behalf of the Government.

Cross-Examination.

Government rests.

10:30 am Court in recess.

11:00 am Court resumes without the presence of the Jury.

Mr. Arendt makes a Rule 29 motion for Judgment of Acquittal.

Government resists.

Denied at this time.

Bonita Pacheco sworn as a witness on behalf of the Defendant.

Cross-Examination.

Re-direct.

Emily Weidman sworn as a witness on behalf of the Defendant.

Cross-Examination.

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Re-direct.  
Re-Cross.  
Summer Leroy sworn as a witness on behalf of the Defendant  
Cross-Examination.  
Larry Farmer sworn as a witness on behalf of the Defendant.  
Cross-Examination.  
12:00 pm Court in recess.  
1:15 pm Court resumes.  
John Duffy sworn as a witness on behalf of the Defendant.  
Cross-Examination.  
Re-direct.  
Angel Stead sworn as a witness on behalf of the Defendant.  
Cross-Examination.  
1:30 pm Court in recess.  
1:50 pm Court resumes.  
Darren Youngman sworn as a witness on behalf of himself.  
3:10 pm Court in recess.  
3:25 pm Court resumes.  
Darren Youngman re-takes the stand.  
Cross-examination by Mr. Seiler.  
Re-direct.  
4:30 pm Court in recess.  
4:40 pm Court resumes without the presence of the Jury.  
Discussion of Jury Instructions.  
Settled.  
4:50 pm Court adjourned.

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8:30 am Enter Continuation of Jury Trial Proceedings before the Honorable Patrick A. Conmy, Judge, presiding.  
Without the presence of the jury.  
Mr. Seiler makes motion to dismiss Count VII as to the burglary charge.  
Granted.  
Mr. Arendt  
Discussion of instructions.  
Mr. Seiler has no objections to Court's Instructions.  
Mr. Arendt has no objections to Court's Instructions.  
Mr. Arendt makes motion for Judgment of Acquittal.  
Court will take under advisement.  
In the presence of the Jury.  
Defense rests.  
Randolph J. Seiler makes closing arguments on behalf of the Government.  
Aloysius Arendt makes closing arguments on behalf of the Defendant.  
10:30 am Court in recess.  
10:45 am Court resumes.  
Randolph J. Seiler makes rebuttal closing argument on behalf of the Government.  
Jury instructions are now read to the jury.  
The Jury now retires to deliberate upon a verdict.  
11:25 am Court in recess.

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11:35 am Comes now the Jury and returns a verdict of Not Guilty as to Counts I, II and IX. Guilty as to Counts III, IV, V, VI, VIII, XV, XVI, XVII and XVIII before the Honorable Mark A. Moreno, Magistrate Judge.

The Court orders a presentence investigation report.

Defendant detained until sentencing.

11:50 am Court adjourned.